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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,805	02/04/2004	Clay Fisher	Sony-05900	3337

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EXAMINER
DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
2161	

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09/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/771,805	FISHER ET AL.
	Examiner	Art Unit	
	CHELCIE DAYE	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 July 2008</u>.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10 and 17-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10 and 17-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to applicant's amendment filed July 08, 2008.

2.   Claims 1-10 and 17-28 are presented. No claims added and claims 11-16 remain

cancelled.

3.   Claims 1-10 and 17-28 are pending.

4.   Applicant's arguments filed July 08, 2008, have been fully considered but they

are not persuasive.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   **Claims 1-10 and 17-28 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Lamkin (US Patent Application No. 20060159109).

          Regarding Claims 1,10,17,18, and 24-28, Lamkin discloses a method of

tracking and synchronizing content across multiple devices, including a plurality

of client devices and a server ("*managing content that detects there is a change to content*

on a local network, determines whether the change is additional content on a first client device,

determines whether the additional content can be identified, determines whether there is a

predictive distribution scheme when the additional content is identified, distributes the additional content over the local network according the predictive distribution scheme when a predictive distribution scheme applies to the additional content, determines whether a new predictive distribution scheme can be defined when a predictive distribution scheme does not apply to the additional content, and saves the new predictive distribution scheme when a new predictive scheme can be defined" (see [0005])…"detect new content on a first client device of a network; identify the new content; determine whether related content has been received on the network; determining a usage of the related content relative to being added to the network; and schedule a distribution of the new content over the network based on the determined usage of the related content" (see [0006])…"the process detects that new content is available over the network. This determination can be based on polling of devices on the network or receiving a notification from a client device that the client device includes new content. In many implementations of the network 120, one or more client devices are capable of notifying the server 122 of additional content, and other devices have to be polled by the server. A log file, the CDS, or other tracking can be utilized by the server to determine which devices are to be polled and when to poll devices. This tracking can be altered over time based on additions to the system, expected changes to client devices, history of detecting additional content at a client device and other such criteria"(see [0072])… "Some embodiments further manage content by providing content synchronization over the network 121 and/or remote network 140. Synchronizing content can provide a consistent view of content over the network when multiple copies of content exist over the network. The synchronization can update content when one copy of content is updated or altered. Similarly, synchronization can delete, add, move or alter content based on changes of status of content on one or more devices of the network" (see [0132])), comprising:

receiving new content within a request from a user ([0069], lines 8-11, Lamkin);

reviewing specific content within said new content in response to the request and comparing with duplicate or related content which is available across any of the multiple devices ([0073] and [0104], Lamkin)[1];

performing the request and creating a new content record corresponding to said new content ([0118-0119], Lamkin);

automatically completing said new content record based on information contained in the specific content as well as information about the presence of duplicate or related content which is available across the multiple devices ([0140], Lamkin); and

updating the records of duplicate or related content with information about the specific content associated with said new content record to synchronize all the content records ([0132], Lamkin).

Regarding Claim 2, Lamkin discloses a method further comprising:

receiving a copy, delete, or print request from a user corresponding to said specific content wherein duplicates of said specific content, or related to said specific content, are retained across multiple devices configured for communicating with one another over a network ([0092], lines 1-6, Lamkin);

reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or

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[1] Examiner Notes: A further explanation of comparing the content with related content across multiple devices is explained at paragraph [0091].

related content is available across the multiple devices ([0118] and [0139], Lamkin);

transmitting a confirmation for the request in response to detecting the presence of any duplicate or related content ([0123], lines 12-19, [0133], [0139], Lamkin); and

performing the request in response to receiving the request and instructions from the user in responding to said confirmation ([0123], lines 12-19, [0133], lines 37-39, [0139], Lamkin).

Regarding Claims 3,4, and 20, Lamkin discloses a method further comprising:

receiving a copy, delete, or print request from a user corresponding to said specific content wherein duplicates of said specific content, or related to said specific content, are retained across multiple devices configured for communicating with one another over a network ([0092], lines 1-6, Lamkin);

reviewing a record associated with the specific content in response to the request and analyzing the associated record to determine what duplicate or related content is available across the multiple devices ([0118] and [0139], Lamkin); and

determining utilization of any duplicate or related content based on a pre-established preference and the type of request which was received ([0157] and [0320], Lamkin).

Regarding Claims 5 and 19, the Lamkin discloses the method wherein said specific content includes one from the group of content items consisting of a photograph, music, a document, and a video ([0047], lines 3-6, Lamkin).

Regarding Claims 6 and 23, Lamkin discloses the method wherein each content record includes a field related content ([0091], Lamkin).

Regarding Claims 7 and 21, Lamkin discloses the method further comprising storing the preference in a storage device ([0049], Lamkin).

Regarding Claims 8 and 22, Lamkin discloses the method further comprising storing the record in a storage device ([0052], Lamkin).

Regarding Claim 9, Lamkin discloses the method wherein the confirmation asks the user for authorization for executing the request ([0123], Lamkin).

Response to Arguments

Applicant argues none of the cases (i.e. prior-art or provisional applications) were found to describe "detecting of new content" as recited by the Lamkin application 2006/0159109 at paragraphs [0005] and [0006].

Examiner respectfully disagrees. To begin, the examiner relies upon the Provisional application 60/531,565 filed December 19, 2003 for the disclosure of the above-argued feature "detecting of new content" as taught by the Lamkin published application 2006/0159109 (see [0005] and [0006]). The Provisional Application teaches

"There may be various types of entities within a collection and the content manager determines which version to playback based on rules and criteria. The rules or criteria can include: a Rating (e.g., G, PG, PG-13, R), a display device format (e.g., 16:9, 320x240 screen size), bit rates for transferring streaming content, and input devices available (e.g., it does not make sense to show interactive content that requires a mouse when only a TV remote control is available to the user). The content manager provides graceful degradation of the entities and the playback of the collection. The content manager uses the collection name service module to request new content for playback. The content manager coordinates all of the rules and search criteria used to find new content" (see pg.42 of 99, 1st and 2nd paragraphs, "The Content Manager"). The above excerpt discloses the requesting of new content along with the finding (i.e. detecting) of the new content. Even further, the Provisional Application teaches *"the new content acquisition agent acts as a broker on behalf of a specific user to acquire new content collections and the associated access rights for those collections. This may involve an e-commerce transaction. It uses the Content Search Engine and a Content Filter to locate and identify the content collection desired and negotiates the access rights through the Access Rights Manager. Content filter is not part of the playback engine but instead part of the content manager and the New Content Acquisition Agent"* (see pg.58 of 99, 1st paragraph, "New Content

Acquisition Agent (NCAA)"). The above excerpt continues to disclose the above argued

feature of "detecting of new content" by utilizing a New Content Acquisition Agent which

acquires the new content and its rights. As such, the fully disclosing the argued feature

within the Lamkin published application 2006/0159109.

   Applicant argues Lamkin 2006/0159109 does not support other aspects of

the claims such as "receiving new content within a request from a user".

   Examiner respectfully disagrees. Lamkin teaches allowing the network to

automatically pull in new content according to an organized manner, in which, when the

new content is received, detected, and/or created on a client device, that content can be

incorporated into the network (see [0069]). Also, Lamkin teaches *"Collections can be*

initiated by a user or, in some instances, by the network…Alternatively, collections are created by the

user and maintained and/or updated by the user and/or through predictive distribution…As content is

added, a user can create a collection and designate the added content as being part of the collection.

When additional content is added, the user can further designate that content as being part of one or

more established and/or new collections. Some factors that can be utilized in defining and/or adding

content to collections can include media file types, resolutions/quality, and/or can correspond to the

request to be fulfill. For example, if a collection matches the request except that the associated the video

file is defined for high definition and the request is for 1/4 VGA for a mobile, the collection can be modified

and a new collection generated to satisfy the request. Collections can also be auto-generated based

upon usage patterns and/or profiles. For example, if the last three audio collections purchased over the

distributed network 142 were placed in a certain repository and copies were made in WMA format for a

mobile device, then a new audio content purchased over the network 142 could be predictively added to

the collection, and in some instances request confirmation from the user" (see [0151]). The above

excerpt discusses how new collections with new content can be created and one way of

determining whether to add the new content is by fulfilling a user request for the

content, thus further disclosing that Lamkin 2006/0159109 teaches new content being

received within a request from a user.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.

Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant

is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571)272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4146080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
September 2, 2008

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161